

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-1008

Earl E. Stine,

Appellant,

v.

Storz Instrument Company,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri

[UNPUBLISHED]

Submitted: August 31, 1998

Filed: September 21, 1998

Before McMILLIAN, RICHARD S. ARNOLD, and MORRIS SHEPPARD
ARNOLD, Circuit Judges.

PER CURIAM.

Earl E. Stine appeals from the final judgment entered in the District Court¹ for the Eastern District of Missouri granting summary judgment in favor of Storz Instrument Company, Stine's former employer, in this action involving a claim that Storz fired Stine because of his age, in violation of the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-634, and the Missouri Human Rights Act, Mo.

¹The Honorable George F. Gunn, Jr., late a United States District Judge for the Eastern District of Missouri.

Rev. Stat. §§ 213.010-.095 (1994). For reversal, Stine argues genuine fact issues exist as to whether after his termination his position remained open and was filled by a younger person and as to whether Storz's proffered business reason for its employment decision was pretextual. He also maintains that his charge of discrimination was timely filed with the Equal Employment Opportunity Commission for purposes of his Missouri Human Rights Act claim. After carefully reviewing the record and the parties' briefs, we agree with the analysis and conclusions of the district court.

Accordingly, we affirm the judgment of the district court for the reasons set forth in its memorandum and order. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.